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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,029	08/04/2003	Jean-Francois Le Bars	1948-4814	5289
27123	7590	12/28/2004	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			TSIDULKO, MARK	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,029

Applicant(s)

LE BARS ET AL.

Examiner

Mark Tsidulko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-11, 13, 14 and 19 is/are rejected.
7) ☒ Claim(s) 12, 15-18, 20 and 21 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 120704.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 13, 14, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuchi et al. (US 6,572,248) in view of Lemke (US 6,477,026).

Referring to Claims 1-3 Okuchi et al. disclose (Fig.1) a device for automatic adjustment of the position of the headlight of the vehicle having an two actuators [35L] and [35R], capable of making the headlights pivot (col.2, line 51), two sensors [11F] and [11R] integral with the vehicle and fixed to the chassis close to the vehicle wheels and one electronic system [20] for controlling the actuators with the information provided by the sensor (col.2, lines 16-42).

Okuchi et al. discloses the instant claimed invention except for that the control system is fixed to or implanted in the actuator.

Lemke discloses (Fig.1) a solenoid [10] which is an actuator (col.1, lines 20-27) having an integrated control system [14]. This arrangement allows to reduce a size of the device and length of wire used for electrical connection between actuator and control system.

Referring to Claims 4 and 5 it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

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Referring to Claim 6, it is clearly understood that since the actuator and electronic control system are parts that manufactured by completely different technological processes, they cannot constitute permanent joint. Control system is a sensitive electronic device and must be exchangeable if out of order.

Referring to Claims 7-10 Okuchi et al. discloses the instant claimed invention except for the type of control system.

Lemke discloses that the system may be any type of analog or digital circuitry (col.5, lines 24-27).

Referring to Claim 13 Okuchi et al. discloses the instant claimed invention except for potentiometer.

Lemke discloses (Fig.4) potentiometer [34] for generating a control signal.

Referring to Claim 14 Okuchi et al. discloses the instant claimed invention except for two resistors.

Lemke discloses (Fig.10) a control system including 2.3 kOhm resistors [160] and [168]. While Lemke does not disclose location of the resistors concerning to actuator, it will of coarse be understood that the location of the resistors (inside or outside of actuator) does not change their working function, but because the control system is implanted in the actuator (solenoid), there is the reason to install the resistors out of actuator in order to obtain ease access to the resistors if necessary to exchange.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the control system integrated with the actuator, as taught by

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Lemke for the device of Okuchi et al., in order to reduce a size of the device and length of wire used for electrical connection between actuator and control system.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okuchi et al. and Lemke as applied to claim 10 above, and further in view of Ishihara (US 5,473,697).

Okuchi et al. disclose the instant claimed invention except for integrator, subtracter and follower.

Ishihara discloses apparatus having integrator (Fig.24, [336]), subtracter (Fig.11) and follower (Fig.26, col.5, lines 52-54), which are well known in the electronic art. Integrator and subtracter are used for calculations and follower is used to provide isolation, for example, between two groups of resistors.

Referring to Claim 19 Okuchi et al. (Fig.3) provide a sequential mode of operation (from step 101 to step 105).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the integrator, subtracter and follower, as shown by Ishihara for the controller of Lemke in the device of Okuchi et al. in order to provide calculations and isolation between the resistors.

Allowable Subject Matter

Claims 12, 15-18, 20 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Referring to Claim 12 the prior art of record fails to show a device for automatic adjustment of the position of the headlight of the vehicle wherein control system includes a unit to handle faults, a unit to calculate the weighted average of the sensors, an adder, an overvoltage protection system, a window comparator, a filter system unit and a unit which is assembly with two resistors.

Referring to Claim 15 the prior art of record fails to show a device for automatic adjustment of the position of the headlight of the vehicle wherein a means for adjusting the motor of an actuator have a means of adjustment accessible from outside the actuator box and connected to a visual, audible or electrical warning device.

Claims 16- 18 are objected as claims depended on claim 15.

Referring to Claim 20 the prior art of record fails to show a device for automatic adjustment of the position of the headlight of the vehicle having a fault management mode by instructing the actuator to tilt the lights downwards.

Claim 21 is objected as claim depended on claim 20.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the

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organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.
December 7, 2004



Sandra O'Shea
Supervisory Patent Examiner
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